

# Éthiopie : état d'urgence et situation des personnes d'origine ethnique amhara

Renseignement de l'analyse-pays de l'OSAR

Berne, le 26 septembre 2023

## **Impressum**

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Version disponible en français

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Ce rapport repose sur des renseignements d'expert-e-s et sur les propres recherches de l'Organisation suisse d'aide aux réfugiés (OSAR). Conformément aux standards COI, l'OSAR fonde ses recherches sur des sources accessibles publiquement. Lorsque les informations obtenues dans le temps imparti sont insuffisantes, elle fait appel à des expert-e-s. L'OSAR documente ses sources de manière transparente et traçable, mais peut toutefois décider de les anonymiser, afin de garantir la protection de ses contacts.

# 1 Introduction

Les questions suivantes sont tirées d'une demande adressée à l'analyse-pays de l'OSAR :

1. Quelle est la situation dans la région d'Amhara depuis la proclamation de l'état d'urgence en août 2023 ?
2. Quels sont les risques de persécution pour un membre du Parlement d'ethnie amhara, vivant à Addis-Abeba, qui a pris position en défendant les droits de l'ethnie amhara durant des séances du Parlement ?
3. Quelles sont les possibilités de fuite interne pour une personne persécutée par des agents de l'État ?
4. Que prévoit la loi éthiopienne concrètement lorsqu'un état d'urgence est proclamé ?
5. Une fois l'état d'urgence terminé, quelles sont les possibilités de libération pour les personnes qui ont été emprisonnées, au regard de la loi d'une part et au regard de la pratique éthiopienne d'autre part ?

L'analyse-pays de l'OSAR observe les développements en Éthiopie depuis plusieurs années<sup>1</sup>. Sur la base de ses propres recherches ainsi que de renseignements transmis par des experts externes, elle apporte les réponses suivantes aux questions ci-dessus.

## 2 Situation dans la région d'Amhara

**Le mouvement de protestations et de violences dans la région d'Amhara est lié à un sentiment d'abandon de la région par le gouvernement éthiopien et la décision par celui-ci, en avril 2023, de démanteler les forces spéciales amharas et la milice Fano.** Selon *Al-Jazeera*, la région d'Amhara, dont certaines parties ne sont qu'à 50 kilomètres de la capitale, Addis-Abeba, est la deuxième région la plus peuplée du pays. Pendant les deux ans du conflit au Tigré, de novembre 2020 à novembre 2022, les forces de sécurité amharas et la Fano, une milice informelle qui recrute des volontaires au sein de la population, ont fourni une aide importante aux Forces de défense nationale éthiopiennes (FDNE) dans leur lutte contre les forces tigréennes. Malgré ce soutien, les Amharas qui ne sont pas membres du parti politique du Premier ministre ont été exclus des négociations qui ont abouti à un accord de cessez-le-feu en novembre 2022. Cet accord a notamment conclu que le statut des terres capturées dans le Tigré par les forces amharas pendant la guerre doit être résolu « conformément à la Constitution ». Les tensions entre la région d'Amhara et le gouvernement fédéral se sont encore accrues à la suite de l'arrestation de nombreux activistes et miliciens amharas. En avril 2023, le gouvernement a annoncé le démantèlement des forces régionales du pays, y compris celles d'Amhara, et leur intégration dans les forces fédérales. Cela a laissé craindre aux nationalistes amharas un affaiblissement de la région et conduit à des protestations et des violences (*Al-Jazeera*, 10 août 2023). Selon *Amnesty International* (AI), pendant la guerre

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<sup>1</sup> [www.osar.ch/publications/rapports-sur-les-pays-dorigine](http://www.osar.ch/publications/rapports-sur-les-pays-dorigine)

au Tigré, les forces spéciales amharas et la milice Fano se sont rendues coupables du nettoyage ethnique des Tigréen-ne-s dans la région du Tigré occidental. À la suite de l'annonce par le gouvernement, en avril 2023, d'intégrer toutes les forces spéciales régionales, y compris les forces spéciales amharas, dans les forces fédérales, des protestations ont éclaté dans la région d'Amhara (AI, 18 août 2023).

**La milice Fano et les forces spéciales amharas prennent le contrôle de plusieurs villes de la région en juillet et août 2023, ciblant des unités de l'armée et des hauts responsables de la sécurité.** Selon un rapport soumis au *Conseil des droits de l'homme* (CDH) par la *Commission internationale d'experts des droits de l'homme sur l'Éthiopie*, en juillet 2023, des membres de la milice Fano, soutenus par des membres des forces spéciales amharas, ont commencé à se regrouper et à assassiner de hauts responsables de la sécurité régionale. Cela a permis aux miliciens Fano et à leurs alliés d'entrer dans plusieurs villes et de les contrôler (CHD, 14 septembre 2023). Selon AI, au début du mois d'août 2023, la milice Fano a pris le contrôle des principales villes de la région (AI, 18 août 2023). *AP news* rapporte que des combats ont été signalés début août 2023 dans toute la région d'Amhara, avec des routes bloquées par des manifestant-e-s. La milice Fano a également attaqué des unités de l'armée. Outre la suspension de l'accès à Internet par le gouvernement, les vols vers les villes de Lalibela et Gondar ont également été suspendus (*AP news*, 4 août 2023).

**Le gouvernement a déclaré l'état d'urgence le 4 août 2023 et un couvre-feu dans six villes de la région. L'armée a repris le contrôle des villes.** *Al-Jazeera* indique qu'en réponse aux violences dans la région d'Amhara, le gouvernement a déclaré l'état d'urgence le 4 août 2023 et un couvre-feu dans six villes de la région (*Al-Jazeera*, 10 août 2023). AI rapporte que dans les jours qui ont suivi l'imposition de l'état d'urgence, les FDNE ont pu reprendre le contrôle des villes conquises par la milice Fano. L'état d'urgence a été déclaré pour une durée de six mois et il est applicable dans tout le pays. La veille de la proclamation de l'état d'urgence, le gouvernement a bloqué l'accès à Internet dans la région d'Amhara (AI, 18 août 2023).

**Graves violations des droits humains dans la région d'Amhara. De nombreuses personnes civiles tuées ou blessées, y compris par des bombardements aériens. Au moins 180 personnes civiles tuées. Allégations d'exécutions extra-judiciaires. La situation reste instable avec des combats rapportés fin septembre 2023.** Selon AI, à la mi-août 2023, des rapports faisaient état de graves violations des droits humains à la suite des affrontements entre les FDNE et la milice Fano. Celles-ci comprennent la mort de nombreux personnes civiles victimes d'une frappe aérienne, ainsi que de massacres à Finote Selam, Bahir Dar et Shewa Robit (AI, 18 août 2023). Selon la *Commission éthiopienne des droits de l'homme* (CEDH), les combats ont été violents dans et autour des villes et villages de la région d'Amhara avec de nombreux morts et de nombreux blessés parmi les personnes civiles, ainsi que d'importants dégâts matériels. Certains manifestant-e-s qui tentaient de bloquer les routes ont été tué-e-s. Des postes de police et des prisons de la région ont également été attaqués et pillés, et certains fonctionnaires de l'administration régionale d'Amhara ciblés et assassinés. Les personnes civiles ont été particulièrement affectées par les combats, forcées de rester confinées chez elles et avec un accès limité aux services de base, comme l'eau ou l'électricité. Les combats et bombardements ont notamment affecté les villes de Debre Birhan, Finote Selam et Burie. À Bahir Dar, des personnes civiles ont été tuées dans la rue et les jeunes spécifiquement ciblés par les arrestations et les fouilles, certains d'entre eux étant battus ou tués. Il y aurait également eu de nombreuses victimes civiles à Gondar ainsi que

des allégations d'exécutions extra-judiciaires à Shewa Robit (EHRC, 14 août 2023). Selon le *Addis Standard*, à la fin du mois d'août 2023, les combats ont repris dans plusieurs villes de la région. Il y aurait eu de nombreux morts dans les villes de Finote Selam, Debre Markos et Debre Tabor (*Addis Standard*, 31 août 2023). Selon *Arab News*, à la fin du mois de septembre 2023, de nouveaux combats ont éclaté dans la région d'Amhara, avec des unités de la milice Fano affrontant les FDNE dans la ville de Gondar. Les combats ont été de courte durée et l'armée éthiopienne a rapidement repris le contrôle de la ville, même si des tirs sporadiques continuaient d'être entendus. Selon des chiffres des Nations-Unies datant du mois d'août, cités par *Arab News*, les violences dans la région d'Amhara ont coûté la vie à au moins 180 personnes (*Arab News*, 25 septembre 2023).

## 3 L'état d'urgence en Éthiopie

### 3.1 Cadre juridique et mise en œuvre de l'état d'urgence

**La Constitution éthiopienne permet au gouvernement de déclarer l'état d'urgence dans des situations qui mettent en péril l'ordre constitutionnel.** *Human Rights Watch* (HRW) indique que le gouvernement est habilité à déclarer l'état d'urgence en vertu de la Constitution « *en cas d'invasion extérieure, d'effondrement de l'ordre public mettant en péril l'ordre constitutionnel et ne pouvant être contrôlé par les forces de l'ordre et le personnel habituels, de catastrophe naturelle ou d'épidémie* ». HRW souligne que l'état d'urgence doit être adapté aux « exigences de la situation » et que même en cas d'état d'urgence, certains droits ne peuvent pas faire l'objet d'une dérogation (HRW, 30 octobre 2016).

**Mise en œuvre : établissement de postes de commandement placés directement sous l'autorité du premier ministre. Le poste de commandement décide, par l'intermédiaire d'une directive, les mesures spécifiques et les restrictions imposées. Larges pouvoirs conférés aux forces de sécurité.** Selon AI, dans le cadre de l'état d'urgence, le gouvernement établit un poste de commandement placé directement sous l'autorité du Premier ministre et dont le ministre de la Défense est le secrétaire. Ce poste de commandement est habilité à déterminer les mesures spécifiques, les restrictions et les zones de mises en œuvre de l'état d'urgence. Parmi les mesures qui peuvent être imposées par le poste de commandement figurent notamment la suspension des médias, l'arrestation de tout suspect, l'interdiction de tout rassemblement ou manifestation, l'imposition d'un couvre-feu et la suspension des lois de fond et des procédures du pays. La directive émise par le poste de commandement énumère les mesures de l'état d'urgence, y compris les actions interdites et les obligations imposées à la population. La directive peut conférer aux forces de sécurité de larges pouvoirs pour faire respecter l'état d'urgence, comme des arrestations et perquisitions sans mandat, le droit de détenir des personnes jusqu'à la fin de l'état d'urgence ou encore une surveillance des communications (AI, 2017).

### 3.2 L'état d'urgence du 4 août 2023

**État d'urgence déclaré dans la région d'Amhara en août 2023. La région a été placée sous l'autorité d'un poste de commandement. Arrestations et détention de suspects sans mandat, liberté de mouvement restreinte, assemblées interdites et censure des**

**médias. Les contrevenants risquent entre trois et dix ans de prison.** Selon AI, l'état d'urgence proclamé le 4 août 2023 à la suite d'une recrudescence de violence dans la région d'Amhara, et approuvé par le parlement dix jours plus tard, est applicable dans tout le pays. Il donne au gouvernement des pouvoirs étendus et lui permet notamment d'arrêter des suspects sans mandats du tribunal, d'imposer des couvre-feux, d'empêcher la liberté de mouvement et d'interdire les assemblées publiques et les associations. La région d'Amhara a ainsi été placée sous un poste de commandement dirigé par le chef des services de renseignements et placé sous l'autorité du Premier ministre. Selon AI, l'état d'urgence permet également de fermer ou de restreindre les médias ou d'autres entités soupçonnées d'agir contre l'objectif de l'état d'urgence. Pour AI, ces termes sont vagues et mal définis et peuvent être interprétés de manière large sans contrôle judiciaire (AI, 18 août 2023). Selon *AP news*, dans le cadre de l'état d'urgence, les manifestations ont été interdites sous peine de se voir infliger jusqu'à dix ans de prison. L'état d'urgence permet également aux forces de sécurité de détener des personnes sans mandat de justice, d'effectuer des perquisitions ou encore d'imposer des couvre-feux. Le décret précise que l'état d'urgence ne s'applique qu'à la région d'Amhara, mais qu'il peut être étendu à d'autres régions du pays si nécessaire (*AP news*, 4 août 2023). Pour *Al-Jazeera*, dans le cadre de l'état d'urgence déclaré le 4 août 2023, toute personne qui enfreint les dispositions du décret encourt une peine d'emprisonnement de trois à cinq ans (*Al-Jazeera*, 10 août 2023).

### 3.3 Violations des droits humains dans le cadre de précédents états d'urgence

**L'état d'urgence et le pouvoir conféré aux postes de commandement se traduisent souvent par d'importantes violations des droits humains.** AI souligne que dans le passé, l'imposition de l'état d'urgence a conduit à des arrestations massives, des détentions prolongées sans inculpation ni procès, ainsi qu'à des restrictions illégales de la communication (AI, 18 août 2023). La *Commission internationale d'experts des droits de l'homme sur l'Éthiopie* signale que l'état d'urgence et le pouvoir conféré aux postes de commandement se caractérisent souvent par une forte probabilité de violations des droits humains, telles que des arrestations arbitraires, des viols et des exécutions extra-judiciaires (CDH, 14 septembre 2023). Pour HRW, la directive relative à l'état d'urgence appliquée par le gouvernement éthiopien en octobre 2016 est allée au-delà des restrictions autorisées par le Pacte international relatif aux droits civils et politiques (PIDCP), menaçant ainsi des droits fondamentaux et pouvant encourager des violations des droits des personnes à la sécurité, comme la détention arbitraire et la torture. Pour HRW, le gouvernement éthiopien ne respecte pas l'interdiction de la torture et de la détention arbitraire (HRW, 30 octobre 2016).

**La levée de l'état d'urgence et des postes de commandement ne met souvent pas fin à ces violations.** La *Commission internationale d'experts des droits de l'homme sur l'Éthiopie* note que malgré le fait que des postes de commandements établis début 2019 dans la région d'Oromia aient été officiellement levés, certains d'entre eux auraient malgré tout continué à fonctionner. En Oromia occidentale, des témoins ont indiqué que les restrictions à la liberté de mouvement, notamment les couvre-feux, étaient toujours en place. Par ailleurs, des personnes civiles non armées étaient victimes de tirs, d'arrestations et de détentions arbitraires, d'exécutions extra-judiciaires, de viols et de destruction de biens (CDH, 14 septembre 2023).

**La couverture géographique des dispositions restrictives de l'état d'urgence est souvent disproportionnée. Celles-ci s'appliquent au-delà des régions touchées par des violences.** Selon AI, à la suite de d'importantes tensions dans les régions d'Oromia et d'Amhara en octobre 2016, notamment une bousculade lors d'un festival dans la région d'Oromia qui a entraîné la mort de 55 personnes, le gouvernement a imposé l'état d'urgence le 9 octobre 2016. Dans les semaines qui ont suivi, le gouvernement a arrêté des dizaines de milliers de personnes dans les régions d'Amhara, d'Oromia et la Région des nations, nationalités et peuples du Sud (SNNPR), dont de nombreux militants politiques, des défenseurs des droits humains, des manifestants et des journalistes. AI relève que, bien que les violences se soient limitées aux régions d'Oromia et d'Amhara, la plupart des dispositions restrictives énoncées dans la directive ont été appliquées dans tout le pays. Pour AI, la couverture géographique de l'état d'urgence était clairement disproportionnée par rapport aux exigences de la situation (AI, 2017). Pour HRW également, la directive relative à l'état d'urgence appliquée par le gouvernement éthiopien en octobre 2016 s'est appliquée à l'ensemble du pays, alors que les violences n'ont touché que deux régions sur les neuf que compte le pays. De plus, les restrictions des droits à la liberté d'expression sont allées bien au-delà des « exigences de la situation ». La directive stipule par ailleurs que les personnes peuvent être arrêtées « sans décisions de justice » et détenues « dans un lieu assigné par le poste de commandement jusqu'à la fin de l'état d'urgence » (HRW, 30 octobre 2016).

### **3.4 Traitement par les autorités des personnes arrêtées dans le cadre de l'état d'urgence**

**Au terme de l'état d'urgence, les personnes arrêtées sont soit présentées devant un tribunal, soit « réhabilitées » et libérées avec l'obligation de respecter certaines obligations. Cette « réhabilitation », qui a pour objectif de punir, passe par des détentions prolongées souvent accompagnées de mauvais traitements.** Selon AI, les personnes arrêtées dans le cadre de l'état d'urgence sont soit « réhabilitées » et ensuite libérées, soit punies conformément à la loi en vigueur (AI, 2017). Pour HRW, au terme de l'état d'urgence, le gouvernement peut soit décider de « réhabiliter » ces personnes et de les libérer, soit de les présenter devant un tribunal. En ce qui concerne la « réhabilitation », HRW note que cette pratique, visée à l'article 28 de la directive, est en place en Éthiopie depuis plusieurs années et constitue une stratégie utilisée par les forces de sécurité lors des opérations de répression. Les personnes « réhabilitées », qui ont souvent été détenues pendant de longues périodes et qui ont subi des mauvais traitements, y compris la torture, sont libérées sous condition de s'engager à adopter un comportement conformiste. Les personnes libérées ont souvent l'obligation de se présenter régulièrement aux postes de police pour limiter leur déplacement. Il peut leur être interdit d'aller à l'école ou de participer à des manifestations. L'objectif poursuivi est de punir et de « réhabiliter » ces personnes en peu de temps (HRW, 30 octobre 2016).

**A la suite de la levée anticipée en février 2022 de l'état d'urgence déclaré dans le Tigré en novembre 2021, un représentant du gouvernement a déclaré que les personnes arrêtées seraient « traitées par le système juridique normal ». En décembre 2016, la levée de l'état d'urgence a été suivie de la libération de la majorité des prisonniers après la dispensation d'une « formation ».** Selon *Reuters*, en février 2022, le parlement éthiopien a voté pour une levée anticipée de l'état d'urgence imposée en novembre 2021, trois semaines



après l'approbation du cabinet. Des milliers de personnes de l'ethnie tigréenne ont été arrêtées dans le cadre de l'état d'urgence, y compris des enfants, des personnes âgées et des mères allaitantes, et ont été détenues dans des prisons et des entrepôts. *Reuters* signale que, selon la loi éthiopienne, les personnes détenues doivent être inculpées ou libérées. Le procureur général a refusé de s'exprimer à ce sujet. Le président de la commission d'enquête sur l'état d'urgence a déclaré aux législateurs que les personnes détenues dans le cadre de l'état d'urgence seraient « traitées par le système juridique normal » (*Reuters*, 15 février 2022). Selon *Voice of America* (VOA), en décembre 2016, la levée de l'état d'urgence, imposée initialement pour une durée de six mois en octobre 2016, a été suivie par la libération de milliers de personnes qui avaient été arrêtées pendant l'état d'urgence. Une chaîne publique a annoncé que les personnes détenues dans les centres d'Awash, d'Alage, de Bir Sheleko et de Tolay seraient autorisées à rentrer chez elles, mais pas avant d'avoir reçu une « formation ». Les autorités ont annoncé que 9800 personnes arrêtées seraient libérées, mais que 2449 autres seraient traduites en justice (VOA, 23 décembre 2016).

## 4 Risques de persécution pour des personnes provenant de la région d'Amhara

**Arrestations massives de personnes civiles d'origine amhara à Addis-Abeba. Près de 3000 personnes, surtout des jeunes garçons, auraient été arrêtées et détenues dans des centres de détention informels.** Selon *Africa news*, qui cite des témoins et des avocats, la déclaration de l'état d'urgence dans la région d'Amhara a été suivie d'arrestations de masse de plusieurs milliers de personnes dans la capitale, Addis-Abeba. *Africa news* fait un parallèle avec la précédente déclaration d'état d'urgence lors du conflit au Tigré pendant laquelle des milliers de Tigréens avaient également été arrêté-e-s dans tout le pays. Selon la CEDH, citée par *Africa news*, les arrestations de personnes civiles d'origine amhara sont « généralisées ». Selon les témoins, alors que l'état d'urgence ne concerne en principe que la région d'Amhara, celui-ci semble également être en vigueur dans la capitale, avec des suspects détenus dans des postes de police et des écoles. Selon un avocat consulté par *Africa news*, ce sont près de 3000 personnes qui ont été arrêtées dans la capitale, la plupart étant des jeunes garçons. De son côté, le gouvernement n'a admis avoir arrêté que 23 personnes (*Africa news*, 14 août 2023). Selon AI, les personnes détenues par le gouvernement à Addis-Abeba ont été envoyées dans des centres de détention informels, y compris des écoles (AI, 18 août 2023). La CEDH confirme également qu'il y a eu à Addis-Abeba des arrestations généralisées de personnes civiles d'origine amhara. De nombreuses familles et ami-e-s de personnes détenues ont alerté la CEDH, mais à la mi-août 2023, cette dernière n'avait pas encore été autorisée à se rendre dans les centres de détention pour contrôler les conditions de détention (EHRC, 14 août 2023).

**Augmentation des discours de haine à l'encontre de certains groupes ethniques comme les Amharas. Arrestations massives de personnes civiles amharas. Opposants politiques visés dans la région d'Amhara.** La *Commission internationale d'experts des droits de l'homme sur l'Éthiopie* a indiqué avoir enregistré des détentions arbitraires à grande échelle qui ont particulièrement ciblé les personnes d'origine amhara, mais également l'utilisation généralisée de discours de haine et d'incitation à la discrimination ethnique et sexuelle. La Commission a noté une augmentation de l'ethnisation du langage à l'encontre de groupes tels que les Oromos, les Tigréens et, à partir d'avril 2023, les Amharas. Au mois d'août

2023, de hauts conseillers du gouvernement ont inventé un nouveau terme, *jawisa*, qui se traduit par bandit ou charognard, pour désigner les membres de la milice Fano. Pour la Commission, les autorités s'en prennent maintenant aux opposants politiques dans l'Amhara. La Commission fait état de nombreux rapports crédibles de violations dans la région d'Amhara, y compris la détention arbitraire massive de personnes civiles amharas, depuis l'imposition de l'état d'urgence (CDH, 14 septembre 2023).

**Arrestations de représentant-e-s de la région d'Amhara. Immunité non respectée pour un membre amhara du parlement arrêté. Familles et proches laissés sans nouvelles du lieu de détention des personnes arrêtées et de leur état de santé. Pas d'accès à un avocat.** *Africa news* rapporte que parmi les personnes que le gouvernement a reconnu avoir arrêtées se trouve Christian Tadele, un membre du parlement éthiopien représentant la région d'Amhara. *Africa news* précise qu'en vertu de la Constitution, ce membre du parlement aurait dû bénéficier de l'immunité octroyée par sa fonction (*Africa news*, 14 août 2023). Selon le *Addis Standard*, en plus de Christian Tadele, les autorités ont également arrêté Yohannes Buyayalew, membre du Conseil de la région d'Amhara, ainsi que Kassa Teshager, membre du Conseil municipal d'Addis Abeba. Ces trois personnes ont été arrêtées dans le cadre de l'état d'urgence aux motifs qu'elles auraient mené « diverses activités illégales » et fourni « un soutien logistique et financier en acceptant une mission du groupe armé ». Les proches de ces personnes ont rapporté ne pas avoir reçu d'information quant au lieu où ces personnes sont détenues ni sur leur état de santé. La famille de Kassa Teshager a indiqué que celui-ci avait été arrêté le 4 août 2023 par des officiers de police qui ont fait irruption dans sa maison et l'ont arrêté devant son fils sans fournir de motif ou d'explication. Les proches de ces personnes ont fait appel à la CEDH, mais celle-ci n'a pas été en mesure d'intervenir, invoquant un manque de « capacité opérationnelle ». Après deux semaines sans nouvelles, les proches ont été informés par la CEDH que les trois personnes arrêtées avaient été transférées à la prison d'Awash Arba. AI cite également des membres de la famille et des avocats de personnes arrêtées selon lesquels les détenus ont été privés du droit de voir un avocat ou d'avoir accès à un tribunal (AI, 18 août 2023).

**Possibilités très limitées de fuite interne pour les personnes recherchées par les autorités. Le système de renseignement est très efficace.** Selon un renseignement fourni par téléphone à l'Organisation suisse d'aide aux réfugiés (OSAR) le 25 septembre 2023 par une *personne de contact qui est un journaliste avec une bonne connaissance de l'Éthiopie*, une personne recherchée par le gouvernement éthiopien ne pourra probablement pas trouver de refuge sûr quelle que soit la région du pays où elle déménage. Le *Département des affaires étrangères et du commerce de l'Australie* (DFAT) estime également peu probable qu'une personne perçue par le gouvernement éthiopien comme une menace puisse échapper aux agences de renseignement éthiopiennes. Le Service national de renseignement et de sécurité éthiopien (NISS) est, selon le DFAT, considéré comme très performant et il dispose d'une grande capacité à surveiller les personnes à l'intérieur du pays. Le réseau de renseignement du gouvernement est également soutenu par un système civil de surveillance et de signalement par lequel la population peut dénoncer les activités d'autres personnes dans leur communauté ou même dans leur foyer (DFAT, 12 août 2020).

## 5 Protection de l'État

**Faiblesse des structures étatiques de protection. La législation ne prévoit pas de protection effective.** Selon la *Commission internationale d'experts des droits de l'homme sur l'Éthiopie*, la situation dans la région d'Amhara est aggravée par la faiblesse des structures étatique de protection. La législation nationale ne prévoit pas de protection effective. La Commission déplore également l'absence de mécanismes efficaces de contrôle et de suivi externes et se déclare particulièrement troublée par les menaces, intimidations et harcèlements à l'encontre notamment des journalistes et défenseurs des droits humains (CDH, 14 septembre 2023). Pour le DFAT, l'appareil de sécurité et de renseignement du pays permet à l'État d'exercer un contrôle sur la majeure partie du pays et il a, dans le passé, souvent été utilisé pour surveiller et réprimer la dissidence (DFAT, 12 août 2020).

**Manque d'indépendance de la police et du système judiciaire.** Pour la *Commission internationale d'experts des droits de l'homme sur l'Éthiopie*, les institutions nationales, en particulier la police et le système judiciaire, ne sont pas indépendantes (CDH, 14 septembre 2023). Le DFAT avance également que le pouvoir judiciaire est traditionnellement sous influence du politique et que les personnes critiques du gouvernement, tels que les journalistes, les membres de partis d'opposition et des manifestant-e-s ont régulièrement été emprisonnées sans procès équitable et sans procédure judiciaire transparente. Le DFAT souligne également que les tribunaux sont souvent surchargés et que les juges sont mal payés et sujets à la corruption (DFAT, 12 août 2020).

## 6 Sources :

Addis Standard, 31 août 2023 :

*« Relatives and legal representatives of Christian Tadele, a member of the House of People's Representatives; Yohannes Buayalew, a member of the Amhara Region Council; and Kassa Teshager, a member of the Addis Abeba City Council, have expressed their concerns to Addis Standard regarding their whereabouts. It has been two weeks since anyone has had any knowledge of their current location, escalating worries about their well-being and safety.*

*Christian's relative, speaking anonymously for safety reasons, shared that initially the family was allowed to provide food and supplies to him at the federal police commission crime investigation bureau. However, on 21 August, they were abruptly informed that he had been moved to an undisclosed location without any further information. The relative expressed their deep distress at the lack of knowledge about Christian's fate, urging for immediate access and information to confirm his health and well-being.*

*Similar accounts were shared by family members of Yohannes Buayalew, who stated that he was initially detained in Bahir Dar and then transferred to Addis Abeba by helicopter. Initially, they were allowed to provide him with food while he was held at the federal police commission crime investigation bureau, but on 21 August, they were denied access without any explanation. The family is unsure if he has been taken to Awash Arba prison, and the lack of information is extremely agonizing for them.*

**The family of Kassa Teshager also recounted the distressing manner in which he was detained on 04 August, with police officers arriving at his house and detaining him in front of his child without providing any explanation. Concerned family members of other detainees, including journalists Bekalu Alamrew and Wetetu Desaleng, have also expressed their apprehensions.**

**All family members who shared their concerns with Addis Standard have sought assistance from the Ethiopian Human Rights Commission (EHRC). Initially, the EHRC assured them that an active investigation was underway but later informed them that the case exceeded their operational capacity.**

*Attorney Henock Aklilu, representing most of the detainees, revealed to Addis Standard that the EHRC had sent an investigative team to the location of detention, but they faced obstacles that impeded a thorough inquiry. "However, the EHRC was informed that the detainees were in satisfactory health."*

**On 29 August, Tarikua Getachew, the legal and policy director of the EHRC, informed Voice of America that Christian, Yohanes, and Kassa had been relocated to Awash Arba prison. Additionally, Daniel Bekele, head of the Human Rights Commission, confirmed to Addis Standard that a visit to the detainees has been scheduled for 01 September, during which further information will be disclosed.**

**The individuals, were arrested under the six-month state of emergency declared in the Amhara region, suspected of "carrying out various illegal activities" in cities and "providing logistical and financial support by taking a duty from the armed group".**

*In its most recent statement issued on 26 August, the command post, established to oversee the six-month state of emergency, stated that the region is now "relieved of the risk of destruction and disintegration and is returning to its previous state of normalcy." The command post reiterated its commitment to conclude the ongoing "law enforcement operation" in a short period and create a favorable environment for the regional administration.*

**Following a period of relative calm, however, fighting has resurfaced in several cities within the Amhara region in the past few days. According to residents interviewed by Addis Standard, this has resulted in multiple fatalities and numerous injuries in cities such as Finote Selam, Debre Markos, and Debre Tabor. » Source: Addis Standard, News: Concerns mount over well-being of detained MP, Councilmen, 31 août 2023: <https://ad-disstandard.com/news-concerns-mount-over-well-being-of-detained-mp-councilmen/>.**

Africa news, 14 août 2023 :

**« Authorities in Ethiopia are carrying out mass arrests of hundreds, even thousands, of people in the capital after deadly unrest in the country's Amhara region, lawyers and witnesses said.**

**Ethiopia's Cabinet declared a state of emergency earlier this month in Amhara after local militia fighters known as Fano seized control of several major towns, which the military has since retaken by force. The Fano, who fought alongside Ethiopian military forces in**

**a two-year conflict in the neighboring Tigray region, have resisted being disbanded after a peace deal last November.**

*Ethiopia's parliament is to vote Monday on giving formal approval to **extraordinary measures which allow authorities to arrest suspects without a warrant, conduct searches and impose curfews. Under the previous state of emergency imposed during the Tigray conflict, tens of thousands of ethnic Tigrayans were rounded up across the country.***

**This time, "there has been widespread arrest of civilians who are of ethnic Amhara origin," the state-appointed Ethiopian Human Rights Commission said Monday, calling on the federal authorities to cease the detentions.**

**Activists say ethnic Amharas are being targeted in the mass arrests.**

**Two lawyers said the emergency measures also appear to be in effect in the capital, Addis Ababa, where suspects are being held at police stations, schools and other makeshift detention centers after being swept off the streets. The lawyers, like others, spoke on condition of anonymity out of fear of retribution.**

**One lawyer said he visited seven schools and police stations last week where "hundreds" of people were held. The other lawyer, citing police sources, said 3,000 people had been arrested in Addis Ababa.**

*A third lawyer said he encountered several young people last week at police stations and courts in Addis Ababa who had been arrested and accused of having links to the Fano militia.*

*One man, an ethnic Amhara, said he was picked up off the street last week by plainclothes police officers who overheard him discussing the recent unrest on the phone. He said he was held at a school with hundreds of others before being taken to a police station. He was released on Thursday without any charge.*

*Another man said his brother was arrested in Addis Ababa a day before the state of emergency was declared and is being detained at a school with several hundred others. **Most of the detainees there are young boys,** said the man, who has visited his brother twice.*

**The federal government said only 23 people have been arrested under the state of emergency in Addis Ababa. Those include Christian Tadele, an outspoken opposition lawmaker who should have immunity from arrest under Ethiopia's Constitution as a member of parliament. [...]**

*It said prisons and police stations in the region were broken into and that **Amhara regional officials were the target of attacks, with some killed,** "resulting in the temporary collapse of local state structure in many areas." » Source: Africa news, Ethiopian police arrest hundreds during state of emergency, 14 août 2023: [www.africanews.com/2023/08/14/ethiopian-police-arrest-hundreds-during-state-of-emergency/](http://www.africanews.com/2023/08/14/ethiopian-police-arrest-hundreds-during-state-of-emergency/).*

AI, 18 août 2023 :

« The Ethiopian government must immediately grant independent investigators and media access to the Amhara region as reports of gross human rights violations emerge **following ongoing armed confrontations between the Ethiopian National Defense Force (ENDF) and the local armed Fano militia**, Amnesty International said today.

Several media outlets reported that **an airstrike on the region this week led to numerous civilian deaths**. Amnesty International has also received allegations of **mass killings and casualties in Finote Selam, Bahir Dar and Shewa Robit** which merit further investigation.

“Following allegations of ongoing human rights violations in the Amhara region, the Ethiopian government must provide unhindered access to the Independent Commission of Human Rights Experts on Ethiopia (ICHREE) and other independent investigative bodies, alongside independent media, to thoroughly examine these allegations,” said Tigere Chagutah, Amnesty International’s Regional Director for East and Southern Africa.

“The government and its security forces must respect and protect human rights of people,” said Tigere Chagutah

**On 4 August 2023, the Ethiopian government declared a six-month state of emergency with nation-wide application, following increased violence in the Amhara region. The state of emergency, approved by Ethiopia’s House of People’s Representatives on 14 August 2023, gives the government sweeping powers to arrest suspects without a court warrant, impose curfews, prevent freedom of movement, and ban public assemblies or associations.**

**The state of emergency puts Amhara Region under a command post, led by the country’s intelligence chief, and reporting to the Prime Minister.**

**The emergency proclamation also allows the closure or restriction of media outlets or other entities suspected of “acting contrary to the purpose of this proclamation” – terms which are ill-defined, can be interpreted broadly, and are not subject to judicial oversight.**

**The federal government also announced that it has detained individuals in Addis Ababa in informal detention centers, including schools. Lawyers and family members of individuals detained in Addis Ababa told Amnesty International that detainees were being denied the right to access to court and legal counsel.**

**The government blocked internet access in the Amhara region since 3 August 2023, infringing on the public’s right to freedom of expression and access to information.**

**In Ethiopia, previous states of emergency proclamations have led to mass arrests, prolonged detention without charge or trial, and unlawful restrictions on communication.**

“The sweeping state of emergency gives the Ethiopian government unchecked powers while internet blockages make it harder to monitor the situation in Amhara region,” said Tigere Chagutah.

*“Now is not the time for international and regional actors to reduce scrutiny of Ethiopia and it is essential that the Independent Commission of Human Rights Experts on Ethiopia, other independent investigative bodies and the media can work freely.”*

#### *Background*

***The Fano militia and the Amhara Special Forces fought alongside the Ethiopian National Defense Forces against the Tigrayan forces since November 2020 until a Cessation of Hostilities agreement was signed on 2 November 2022.*** In April 2022, Amnesty International and Human Rights Watch reported how Amhara regional officials, Amhara Special Forces and Fano militia, with federal forces' complicity, were responsible for the ethnic cleansing of Tigrayans from Western Tigray.

***In April 2023, the federal government of Ethiopia announced plans to dismantle regional special forces including the Amhara Special Forces and to reintegrate members into federal forces. The decision led to protests in the Amhara region.***

***From early August 2023, Fano captured major cities across the Amhara region, including the historic Gondar city and Debre Birhan – which is only 135 km from Addis Ababa. Following the declaration of a six-month national state of emergency by the federal government, the ENDF announced the recapture of these major cities.*** » Source: Amnesty International (AI), Ethiopia: Authorities must grant independent investigators, media unfettered access to Amhara region to probe violations under state of emergency, 18 août 2023: [www.amnesty.org/en/latest/news/2023/08/ethiopia-authorities-must-grant-independent-investigators-media-unfettered-access-to-amhara-region-to-probe-violations-under-state-of-emergency/](https://www.amnesty.org/en/latest/news/2023/08/ethiopia-authorities-must-grant-independent-investigators-media-unfettered-access-to-amhara-region-to-probe-violations-under-state-of-emergency/)

AI, 2017 :

***« Tensions in Oromia and Amhara Regions escalated following a stampede during the Irrecha festival on 2 October 2016 that resulted in the death of at least 55 people. The cause of the stampede and the number of casualties are contested. The government blames 'anti-peace' protestors for triggering the stampede, while Oromo activists claim that government security forces triggered it when they fired tear gas canisters and shot live ammunition into the crowd. Subsequently, fresh protests broke out in a number of locations in Oromia Region during the 'week of rage' declared by Oromo activists. Some protests became violent as protesters attacked foreign and local businesses, farms and vehicles, especially those near Addis Ababa. The Ethiopian government also alleges that the protestors attacked and killed security forces in some districts of Oromia Region. There were also peaceful protests in parts of Amhara region following the Irrecha stampede.***

***The Ethiopian government declared a state of emergency on 9 October 2016 in response to the protests. The State of Emergency Declaration outlines broad restrictions on a range of human rights, including non-derogable rights such as the prohibition on the retroactive application of criminal law; and the prohibition of torture and other ill-treatment, as well as fundamental requirements of fair trial. Government security forces arrested tens of thousands of people in Amhara Region, Oromia Region and the Southern Nations, Nationalities and Peoples' Region (SNNPR), including many political activists, Human Rights Council monitors, protestors and journalists.***

**The State of Emergency Declaration established a Command Post with the powers to determine the specific measures, restrictions and areas for implementation of the state of emergency. The Prime Minister chairs the Command Post and the Minister of Defence serves as its Secretary. Other members include the Federal Police Commissioner and Regional Special Force Police Commanders.**

*Under the State of Emergency Declaration, the Command Post can impose the following measures:*

- **Prohibit any overt or covert incitement to violence or ethnic conflict, in whatever form of expression;**
- **Stop or suspend any mass media and communications;**
- **Prohibit assemblies, organisations and demonstrations;**
- **Arrest anyone suspected of using violence in the areas the Command Post identifies. Those arrested will be 'rehabilitated' and released or, if necessary, punished as per the relevant law;**
- **Search any person or place and seize items where necessary;**
- **Impose curfews;**
- **Block any road or public place or evacuate and move people from certain places;**
- **Evacuate people vulnerable to threats and keep them in safe places for a limited period of time;**
- **Use proportionate force necessary for the implementation of the state of emergency;**
- **Suspend substantive and procedural laws of the country.**

*Information about these provisions and other aspects of the state of emergency has been communicated to the public through reports in the media, including interviews in the media by government authorities, but the full text of the State of Emergency Declaration had not been published by the end of 2016.*

**Pursuant to the declaration of the state of emergency, the Command Post issued a Directive on 15 October 2016, which lists the actions prohibited throughout the country and in specific parts of the country, state of emergency measures, and businesses' obligation to keep records of home and vehicle leases and communicate these records to the police.**

**The Directive also provides the security forces with powers to enforce the state of emergency. These powers include:**

- **Arrest without warrant;**
- **Authority to detain those arrested in locations designated by the Command Post until the end of the state of emergency;**
- **Search and seizure without a warrant;**
- **Surveillance and control of any messages through radio, television, articles, pictures, photographs, theatre and movies. [...]**

## 2.2 Legality

*The principle of legality requires that laws shall be available and accessible to the public. The exact content of the State of Emergency Declaration was still not officially available to the public by the end of 2016, in violation of this principle. The failure to make the text publicly*



available also fails to meet requirements of national law, specifically that all legal proclamations to be published in Ethiopia's Gazette. Both the State of Emergency Declaration and its implementation directive also fail to comply with another element of the principle of legality, the requirement that provisions with legal consequences be clear and precise. Clarity and precision is important so that people know actions allowed or prohibited. When laws are clear and precise, people can also foresee the consequences of breaking the law. However, the State of Emergency Declaration and its implementation directive use imprecise terms such as 'national security' and 'sovereignty' to, for example, prohibit communications with international non-governmental organizations and foreign government bodies.

Finally, the state of emergency measures violate the principle of non-retroactive application of criminal laws, a non-derogable right, as they authorises the detention of people for their involvement and role in coordinating protests against the Ethiopian government since the end of 2015. [...]

#### 2.4.1 Geographic extent

The Ethiopian government has repeatedly affirmed that the violence after the Irrecha stampede prompted the declaration of the state of emergency. **The violence following the Irrecha stampede was restricted to the Oromia and Amhara Regions, but most of the following prohibitions as per the implementation directive for the State of Emergency Declaration apply across the country:**

- Any communications that can create violence, unrest or conflict among people through internet, writings, television, radio, social media or any other channel;
- Communication with groups designated as terrorist groups, possession and distribution of publications of terrorist groups, possession of the emblems of terrorist groups or promoting their emblems;
- Listening/watching, providing access to, and reporting the broadcasts of ESAT, OMN and other media outlets of terrorist groups;
- Failure to provide public services, closure of shops, absenteeism from work without sufficient reason;
- Threatening and intimidating employees of government and private institutions from attending their work;
- Inciting violence and unrest that are against sport ethics on sports grounds;
- Obstruction and of disruption of religious, cultural and public ceremonies or reciting slogans with political content unrelated to the ceremony;
- Any communication or relation with foreign governments or foreign NGOs that can jeopardize the sovereignty, security and constitutional order;
- Any press statements by political parties that can endanger the sovereignty, security, and constitutional order.

**As the violence occurred primarily in some districts of Oromia and Amhara Regions, it is unclear why the measures imposed under the state of emergency declaration are applicable in all parts of the country. It is unclear how the exigencies of the situation require the imposition of such measures across the whole country. The geographic coverage of the state of emergency is disproportionate to the exigencies of the situation.** » Source: Amnesty International (AI), Ethiopia: draconian state of emergency measures, 2017, p.2-5, 8-9: <https://www.refworld.org/pdfid/58a193c84.pdf>.

AP news, 4 août 2023 :

*« Ethiopia's Council of Ministers is declaring a state of emergency in the country's Amhara region after authorities pleaded for help as clashes intensify there between regional forces and the military.*

*The prime minister's office announced the decision on Friday after the region's leader said regular law enforcement was no longer able to contain the violence. The declaration needs approval from Parliament.*

*"The threat the activity is imposing on national security and public peace is increasing day by day," the declaration said, noting severe economic damage as well and blaming "armed extremist groups."*

***Ethiopia's second most populous region has been gripped by instability since April, when federal authorities moved to disarm Amhara's security forces following the end of the devastating two-year war in the neighboring Tigray region. Authorities last year also tried to dismantle the informal Amhara militia known as Fano.***

*This week, residents have reported fighting across the Amhara region as militia members attacked army units and protesters blocked roads. Flights to two popular tourist towns, Lalibela and Gondar, have been suspended. Internet access has been affected.*

***The state of emergency bans several activities including protests. Violators face up to 10 years imprisonment. The decree also grants authorities the ability to detain suspects without a court order, conduct searches and impose curfews.***

***The order says the powers apply to the Amhara region but may be extended to other parts of Ethiopia if deemed necessary.*** » Source: AP News, Ethiopia's declaring a state of emergency in its Amhara region as local fighters clash with military, 4 août 2023: <https://ap-news.com/article/ethiopia-amhara-military-violence-cd880a2e8c5256e1ef4af52598e9d44d>.

Al-Jazeera, 10 août 2023 :

*« Fierce fighting broke out last week in Ethiopia's northern Amhara region, just nine months after the end of a devastating two-year war in the neighbouring Tigray region.*

***Tensions have been rising since April, when the federal government announced it was dismantling regional forces across Ethiopia, triggering protests by Amhara nationalists who said the move would weaken their region.***

***After days of fighting between the army and militia fighters, the Ethiopian government said on Wednesday that major cities in the Amhara region had been "freed" from local militiamen.***

*There have been no official casualty figures from the unrest, but hospital doctors reported many civilians having been killed or injured.*

**Prime Minister Abiy Ahmed's government last week declared a six-month state of emergency in Amhara and announced curfews in six cities.**

As the unrest continues, here is what you need to know:

Who all are fighting?

- The fierce fighting has seen the federal forces – known as Ethiopian National Defence Force (ENDF) – battle the local Fano militiamen.
- **Fano is an informal militia with no publicly-known command structure that draws volunteers from the local population.**
- While Fano is not nearly as well-equipped or organised, analysts have said it could still be a serious threat to the government if its struggle gets widespread support.

Why are they fighting?

- Fano was an ally of the ENDF during the Tigray war. **Their relationship later deteriorated, partly over recent efforts by federal authorities to weaken regional paramilitary groups.**
- Despite the crucial backing to federal forces that Fano fighters and regional security forces provided during the conflict, **Amhara people from outside Abiy's political party were not included in negotiations that resulted in the Tigray peace deal in November 2022.**
- According to the deal, the status of land claimed by Amhara and Tigray, which Amhara forces captured during the war, should be resolved "in accordance with the constitution".
- **Subsequent events, including arrests of Amhara activists and militiamen, raised tensions.**
- **Then in April, Abiy ordered that regional security forces be integrated into the police or federal military, prompting a week of violent demonstrations. Protesters saw the move as aimed at undermining Amhara's security, a charge the government denied.**

What is at stake for Ethiopia?

- The conflict has quickly become Ethiopia's most serious security crisis since the two-year civil war in Tigray.
- **Amhara is Ethiopia's second most populous region, with more than three times as many people as Tigray, and parts of Amhara lie just about 50km (30 miles) from Addis Ababa, the capital.**
- As clashes rage across cities, there are increasing concerns about how the conflict will play out under Abiy's government.
- "The Fano, with the support of farmers and [the] Amhara public, will attempt to defeat the federal security forces and their alliance and ultimately remove Abiy from power," said Tewodrose Tirfe, chairman of the Amhara Association of America, a lobby group that supports the Fano cause.
- **Amhara residents accuse the federal government of trying to undermine their region. Authorities reject the accusation but see the regional fighters as a threat to constitutional order.**
- The new state of emergency in the Amhara region, which must be approved by parliament, bans gatherings and gives authorities powers to detain suspects without a court order, impose curfews and conduct searches. The federal government's communication service said several arrests had been made.
- **According to the emergency decree, anyone found violating its provisions could face "imprisonment of between three to ten years".** » Source: Al-Jazeera, What's behind the

crisis in Ethiopia's Amhara region? A simple guide, 10 août 2023:  
[www.aljazeera.com/news/2023/8/10/whats-behind-the-crisis-in-ethiopias-amhara-region-a-simple-guide](http://www.aljazeera.com/news/2023/8/10/whats-behind-the-crisis-in-ethiopias-amhara-region-a-simple-guide).

Arab news, 25 septembre 2023 :

**« Fresh fighting erupted in the second-biggest town of Ethiopia's turbulent Amhara region as militiamen clashed with the military over government plans to disarm local forces.**

**Fighters from a militia called Fano fought against military units on Sunday in the town of Gondar, an important tourist and commercial hub, residents said. "It was very heavy," said one person reached by telephone who declined to give their name because of safety concerns.**

**Calm had mostly been restored by Monday morning, with the military back in control of the town, although sporadic gunfire could still be heard, residents said. Shops were shut and the streets were empty.**

Other areas of Amhara, including the regional capital Bahir Dar and Lalibela, another important tourist town, did not see fighting, residents said Monday. Violence gripped Amhara, Ethiopia's second-most populous state, in early August, with Fano fighters seizing control of several major towns and protesters blocking roads. The military retook control after several days.

In response to the unrest, the government blocked internet access and imposed a state of emergency. The fighting sparked fears of a new civil war following the conflict in the neighboring Tigray region, which ended with a ceasefire in November.

The violence was sparked by a plan initiated in April to disarm the region's forces, which the government says represent a threat to Ethiopia's constitutional order. The Amhara ethnic group says they need the forces for protection, citing attacks against their group.

**The United Nations said last month the violence had killed over 180 people and the world body expressed concern over a wave of arrests of ethnic Amhara.**

Local officials are being targeted for assassination across Amhara, "resulting in the temporary collapse of local state structures in many areas," Ethiopia's state-appointed human rights commission said last month. » Source: Arab news, Fresh fighting erupts in Ethiopia's Amhara region, 25 septembre 2023: [www.arabnews.com/node/2380441/world](http://www.arabnews.com/node/2380441/world).

DFAT, 12 août 2020 :

**« Ethiopia has an extensive security and intelligence apparatus, a legacy of its previous political systems. The state exercises control over most of the country, and it has largely been effective in maintaining law and order and protecting the population from major crimes, including terrorism. The security and intelligence apparatus was used in the past to monitor and suppress dissent, and had a history of using force to quell instances of unrest, including large-scale anti-government protests. Prime Minister Abiy has sought to impose greater discipline and accountability on the security forces, including by punishing past**

wrongdoings, as part of broader efforts to strengthen the professionalism and civilian oversight of the security forces (local sources claim this has had a deterrent effect on government forces). According to the national report it submitted ahead of its most recent UPR (May 2019), the federal government is developing legislation on police use of force and accountability, and plans to establish an independent mechanism to which complaints of ill-treatment by security and law enforcement authorities can be submitted, but this is not yet legislated. **Regional state governments are making parallel efforts to reform law enforcement at the state level. A proliferation of ethnic-based militias since 2018 has challenged state authority and eroded the rule of law in some parts of the country, particularly in western Oromia State.** [...]

DFAT assesses that, overall, federal and regional security forces are largely effective at maintaining law and order and in providing protection from threats by non-state actors, particularly in major urban centres. However, DFAT assesses that **the emergence of armed, invariably ethnic-based non-state actors has increasingly challenged the state's monopoly on the use of force and its concomitant ability to provide protection in remote areas and along borders separating Ethiopia's regional states.** [...]

**Ethiopia has a highly capable domestic intelligence system. The NISS is an autonomous federal government office, in theory accountable to the Minister for Peace, but in practice directly accountable to the prime minister. While reliable data on the size of the NISS is not available, it is broadly considered to have a strong capacity to monitor the activities of persons of interest in Ethiopia, and high priority areas along its borders. A civilian monitoring and reporting system supports the intelligence network, whereby individuals report on the activities of others in their community or household. The current federal government is working to strengthen the NISS' independence from political interference. Abiy replaced the NISS' senior leadership in June 2018, and over 30 senior NISS officials, including its former deputy head, have been arrested for allegedly overseeing human rights violations of prisoners and suspects, including abduction and torture (NISS' former head has also been charged, but evaded arrest to date). Under proposed legislation currently before parliament, the NISS will be renamed the National Information Center.**

The federal government operates a separate cyber-intelligence and security organisation, the Information Network Security Agency (INSA). INSA's role includes investigating threats to national security, combatting cyber-crime and preventing cyber-attacks on critical infrastructure.

**The Ethiopian intelligence agencies are highly capable. DFAT assesses that individuals considered a threat to national security are unlikely to escape their attention within Ethiopia.** [...]

**Judicial capacity is an ongoing challenge, and courts are often overburdened.** Court accessibility is more challenging in rural areas, which have limited access to formal judicial systems and often rely on traditional mechanisms (e.g. councils of elders) to resolve disputes. To enhance accessibility in remote areas, video conference and e-litigation centres have been established across the country. **According to a local lawyer, the courts are inefficient — it can take several years for criminal cases to be completed.** Another source claimed family and civil disputes were generally dealt with more expeditiously than criminal cases.

**Traditionally, the judiciary has been subject to political influence — EPRDF membership used to be a pre-requisite for judges. Government critics, including journalists, bloggers, members of opposition parties and anti-government protesters, were routinely imprisoned without due process or transparent legal proceedings.** Strengthening the independence, professionalism and capacity of the judiciary is a stated priority of the current federal government. Multiple bodies are supporting these efforts, including the Advisory Council for Legal and Justice Affairs (see *Political Opinion (Actual or Imputed)*) and the Judiciary Affairs Reform Task Force (a body comprising 20 independent legal professionals). In November 2018, Meaza Ashenafi, a prominent lawyer and women's rights activist with no formal affiliation to the EPRDF, was appointed President of the Federal Supreme Court. Ashenafi has undertaken to strengthen judicial independence and eradicate corruption.

**Judges are poorly paid and corruption in the judicial system exists, although judicial corruption is not considered prevalent, particularly at higher levels.** DFAT heard anecdotally that judges are less prone to solicit bribes today in light of the current federal government's corruption crackdown. According to sources, the judiciary now operates with greater transparency, and judicial appointments are now made without regard to one's political affiliation. [...]

**Security and intelligence services operate across Ethiopia. DFAT assesses that an individual who is of interest to the authorities is unlikely to be able to avoid attracting official attention by relocating within Ethiopia.** » Source: Australian Government - Department of Foreign Affairs and Trade (DFAT): DFAT Country Information Report Ethiopia, 12 August 2020, p. 42-46: [www.ecoi.net/en/file/local/2043025/country-information-report-ethiopia.pdf](http://www.ecoi.net/en/file/local/2043025/country-information-report-ethiopia.pdf).

EHRC, 14 août 2023 :

« *The Ethiopian Human Rights Commission (EHRC) follows with grave concern the deadly hostilities between the Ethiopian National Defense Force (ENDF) and the Fano armed group in the Amhara Regional State. **Following months of tension and sporadic clashes, large parts of the Amhara region was engulfed in heavy fighting since August 3, 2023. While heavy fighting has subsided in major urban areas since August 9, 2023, it continues in other parts of the region and remains a major concern until a sustainable solution is in place.***

On April 12, 2023, EHRC issued a press release urging for dialogue and peaceful resolution, and the protection of civilians who were impacted **by the violence that erupted in Amhara Region following the decision by the Federal Government to dissolve and reorganize Regional Special Forces.** On August 4, 2023, following the declaration of a state of emergency with apparent national application to address the situation in the Amhara region, EHRC issued a press release reiterating its call for a peaceful resolution underscoring the grave impact of armed conflict on civilians. On August 12, 2023, EHRC issued a press statement along with a detailed human rights analysis and recommendations on the State of Emergency Proclamation urging Parliament to assess the necessity, legality and proportionality of the Emergency Powers as well as its 6-month time span and its geographic scope of application.

*EHRC continues to monitor the impact of the conflict in the Amhara region on the human rights situation. **The Commission is also receiving complaints of human rights violations both***

*before and after the declaration of the state of emergency including from Addis Ababa and other areas of the country.*

*EHRC has confirmed that there was heavy fighting in and around cities and towns across the Amhara region, which involved the use of heavy artillery resulting in the deaths and injuries of civilians, as well as damage to property. There have been cases where protestors including civilians who attempted to block roads were killed. Prisons and police stations in the region were broken into, weapons and ammunition were looted, and pre-trial detainees and prisoners escaped. The Amhara regional administration officials at various levels have been the target of attacks, resulting in the temporary collapse of local state structures in many areas and killings of government officials.*

*Access to basic services including electricity, water, banking services, hospitals, schools, telephone and internet services have been disrupted in many areas. Shops have also been closed, and the fighting has forced residents to confine themselves to their homes and prevented from carrying out their daily routines. Humanitarian assistance to Internally Displaced Persons (IDPs) in the Amhara region has been interrupted due to the conflict and the blocking of roads. The deteriorating security situation and interruption of services have placed refugees and asylum-seekers in Northern Gondar Zone, Dabat Woreda, in a situation of heightened vulnerability, and exacerbated protection concerns.*

*In Debre Birhan city, due to heavy fighting in 4 densely populated kebeles between August 6 and 7, 2023, civilians including in a hospital, church, and school as well as residents in their neighborhoods and workers in their workplaces apparently killed due to fragments from heavy artillery or in crossfire. IDPs in Debre Birhan are also at risk of being caught in the crossfires, particularly those in what is commonly known as the China IDPs site near Kebele 8 which hosts close to 13,000 people.*

*EHRC has also received credible reports of strikes and shelling including from Debre Birhan, Finote Selam, and Burie resulting in many civilian casualties and damage to residential areas and public spaces.*

*In Bahir Dar, in many areas of the city civilians were killed on the streets or outside their houses while some youths were specifically targeted for searches and subjected to beatings and killings. There are also credible reports of many civilian casualties and damages to property in various parts of Gondar and extra-judicial killings in Shewa Robit by the security forces, the details of which are yet to be fully investigated and verified.*

*In Addis Ababa city administration, there has been widespread arrest of civilians who are of ethnic Amhara origin, as well as widespread detention of irregular migrants from Eritrean, some of whom might be seeking asylum status in Ethiopia. EHRC has received multiple reports from families and friends of detainees, but the Commission has not yet been granted access to monitor the conditions of detentions since the declaration of the State of Emergency.*

*EHRC underscores that human rights are inalienable and should continue to apply and be respected both in times of conflict and peace. EHRC reiterates the non-derogable nature of fundamental human rights which also have acquired the status of jus cogens*

*including the prohibition of extra-judicial killing and torture including during a state of emergency. EHRC also reiterates the disproportionate impact of conflict on persons with disabilities, older persons, children, and women. All parties must take the necessary precautions and measures to protect civilians, including by refraining from indiscriminate attacks. The necessary conditions for the civilian population to have access to basic services and to ensure that IDPs and refugees receive humanitarian assistance must be established. » Source: Ethiopian Human Rights Commission (EHRC), The human rights impact of the armed conflict on civilians in Amhara Regional State, 14 août 2023: <https://ehrc.org/the-human-rights-impact-of-the-armed-conflict-on-civilians-in-amhara-regional-state/>.*

HRC, 14 septembre 2023 :

*« 1. The year since the Commission's first report in September 2022 began with some signs of hope for the human rights situation in Ethiopia but ended with a significant deterioration of it. **The signing of the Cessation of Hostilities Agreement (COHA) in Pretoria on 2 November 2022 brought about a notable diminution of the large-scale violence in Tigray. But the Federal Government has failed to carry out COHA commitments on human rights, transitional justice and territorial integrity. The conflict in Tigray, still not resolved in any comprehensive peace, continues to produce misery. Equally alarming, hostilities in Ethiopia are now at a national scale, with significant violations increasing particularly in Amhara region, but also ongoing in Oromia and elsewhere. The risk to the State as well as regional stability and the enjoyment of human rights in East Africa cannot be overstated.***

*2. The violations of human rights in Tigray are grave and ongoing. After the COHA, the Commission's investigations documented the continued presence in Tigray of Eritrean Defense Forces (EDF) responsible for continuing atrocities, at times committed not far from the Ethiopian National Defense Forces (ENDF). EDF attacks on civilians in Tigray, past and current – in particular sexual and gender-based violence – have been abetted or tolerated by the Federal Government, which has failed in its legal duty to protect its population from violations by a foreign army, or by Amhara militia present in the areas of Western and Southern Tigray. In and beyond Tigray, the Commission recorded scores of brutal incidents of rape and sexual violence and displacement. **Across the country in 2023, it recorded largescale arbitrary detentions (especially but not only of Amharas); the ongoing, widespread use of hate speech and incitement to ethnic and gender discrimination; and the continued devolution of civil authority through militarized "Command Posts," including under State of Emergency legislation. [...]***

*16. In April 2023, the security situation in Amhara began to deteriorate, following the assassination of the ruling party's regional head. Amid wider and long-standing Amhara grievances against the Federal Government, key Amhara politicians disapproved of the COHA negotiation and strongly opposed a withdrawal of Amhara forces from Western Tigray. By July, local Amhara fano militia groups began to coalesce, boosted by members of the Amhara Special Forces which the Government had attempted to demobilize. A campaign of assassination of senior regional security officials allowed fano or allied militants to enter and control several towns. As in Tigray and Oromia, these Amhara groups also seem to enjoy considerable local support.*

*17. After earlier moving against the TPLF in Tigray, and the OLA and other opposition in Oromia, the Government has now moved against political opponents in Amhara. In early*



**August, the Federal Government declared a national State of Emergency, placing Amhara under a national Command Post. Fighting has continued in most zones of the region, with large-scale arrests in other areas. [...]**

Amhara [...]

**57. During its investigation, the Commission has been struck by the prevalence of exclusionary and hateful discourse in Ethiopia, particularly online. The Commission found multiple instances of derogatory language, as well as sexualized verbal abuse and incitement against political and ethnic groups since November 2020 which continued throughout 2023. For example, the Commission observed an increase in ethicized language objectifying Oromos, Tigrayans and Amharas in the context of the deteriorating security situation in Amhara from April 2023. In recent weeks, senior Government advisors coined a new term “jawisa” for fano fighters [...]**

**59. Many of the violations perpetrated by the ENDF, EDF, Amhara Security Forces and fano in Tigray during the first phase of the conflict were committed while the underlying region was under the control of a command post, established by the state of emergency announced on 4 November 2020. In the face of increased violence, in Oromia and Amhara, command posts were established in Western and Southern Oromia from early 2019, comprised of local militia, Oromia Special Forces, ENDF, federal police and Oromia regional police. The Commission's investigation found that although claimed to have been officially lifted, command posts continue to operate in some areas of Oromia. Witnesses from Western Oromia described ongoing arbitrary restrictions on freedom of movement, including curfews, denial of access to healthcare, shootings of unarmed residents and arbitrary arrest and detention. Other violations under command post authority include extrajudicial killings, rape and the destruction of civilian property.**

**60. Most recently, on 4 August 2023, the Ethiopian Council of Ministers announced a six-month state of emergency which also established a command post system across Amhara. Multiple urban centers in Amhara are now under a state of emergency and curfew, including regional capital Bahir Dar, Gondar and Lalibela. Telecommunication interruption made accessing information challenging; however the Commission received multiple credible reports of violations, including mass arbitrary detention of Amhara civilians and at least one drone strike. [...]**

**96. The Commission cannot overstate the gravity of violations and crimes perpetrated in Ethiopia since 3 November 2020 by all parties to the conflict, and in particular the ENDF, EDF and allied forces. The continuing presence of Eritrean and Amhara forces in Tigray, in particular ongoing accounts of rape and sexual violence against women and girls, are deeply disturbing. The persistence of this situation more than 10 months after the COHA confirms not only an ongoing pattern of serious violations, but strongly indicates a policy of impunity and tolerance of serious violations on the part of the Ethiopian State. Meanwhile, impunity for past atrocities by Ethiopian and Eritrean forces remains firmly entrenched.**

**97. Instability, tension and the potential for repetition of patterned violations and crimes including arbitrary arrests, rape and extrajudicial executions characterize the ongoing reliance on command posts and declared states of emergency. This is highlighted by the new state of emergency declared in August 2023. Alarming reports of violations committed**

**against Amhara civilians are emerging** in spite of government-imposed interruptions to internet and telecommunications.

**98. The situation is compounded by the weakness of state structures which should offer protection. This includes lack of effective protection by national law, as well as lack of independence of national institutions, in particular the judiciary and law enforcement.** Widespread mistrust in state institutions and domestic accountability mechanisms, already the product of long-standing impunity, has been exacerbated by the Government's politicization of the transitional justice process. **In this context, absence of effective external oversight and monitoring mechanisms, as well as threats, intimidation and harassment against human rights defenders, journalists and others is deeply troubling.** » Source: Human Rights Council (HRC), Report of the International Commission of Human Rights Experts on Ethiopia, 14 septembre 2023, p.2-18: [www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/chreetiopia/A\\_HRC\\_54\\_55\\_AUV.pdf](http://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/chreetiopia/A_HRC_54_55_AUV.pdf).

HRW, 30 octobre 2016 :

**« On October 9, 2016, the Ethiopian government announced a country-wide six-month state of emergency. This followed a year of widespread protests against government policies that state security forces violently suppressed, killing hundreds of people and detaining tens of thousands. Protesters also committed a number of attacks on government buildings and private businesses perceived to be close to the ruling party. [...]**

**The Ethiopian government is empowered to declare a state of emergency under the constitution, "should an external invasion, a breakdown of law and order which endangers the Constitutional order and which cannot be controlled by the regular law enforcement agencies and personnel, a natural disaster, or an epidemic occur." Under the International Covenant on Civil and Political Rights (ICCPR), certain rights may be derogated under a state of emergency but must be tailored to the "exigencies of the situation," while other rights may not be derogated under any circumstances. Under the African Charter on Human and Peoples' Rights, no derogation of charter rights is allowed during a time of emergency. [...]**

**Human Rights Watch has grave concerns that Ethiopia's state of emergency directive permits vague and overbroad restrictions beyond those permitted under the ICCPR that threaten basic rights to free expression, assembly, and association and may encourage violations of the rights to the security of the person, including arbitrary detention and torture. For example, violence has occurred in only two of Ethiopia's nine regions, affecting less than half the country, yet the geographic coverage of the state of emergency is country-wide. As to duration, the state of emergency is for six months, the maximum permissible under the Ethiopian constitution, yet the government has not explained why the current situation warrants the longest possible period allowed by law. Regarding material scope, the restrictions on free expression rights, which include both content and forms of speech and protest, go are well beyond the "exigencies of the situation" to permit the silencing of peaceful expression and denial of access to information. [...]**

*Arbitrary detention and lack of due process*

**Under the directive, those who do not comply with its measures can be arrested without a "court order" and detained "in a place assigned by the command post until the end of**

***the state of emergency.” Government can “decide whether to teach the necessary rehabilitation and release or present them before court when necessary.”***

*While some measure of detention is permitted during a state of emergency, **the widespread detention that is enabled under the directive and has occurred since November 2015 is not permitted under international law.** Prohibitions on torture and arbitrary detention are not derogable under any condition. According to General Comment 29, the prohibitions against taking of hostages, abductions or unacknowledged detention are not subject to derogation [emphasis added]. Fundamental requirements of fair trial must be respected during a state of emergency.*

*These measures effectively codify unlawful government actions that have largely been used since November 2015, particularly in Oromia. There have been tens of thousands of individuals detained since the protests began. **Some are charged, some are held in detention indefinitely, and others undergo a short “rehabilitation” and then are released. Many of those detained over the last year were held in military camps and family members were often not aware of their whereabouts until they were released. Many of those released report torture in detention, including in military camps but very few are ever charged.***

*The “rehabilitation” program referred to in article 28 of the directive has been in place in Ethiopia for some years and is a strategy used by security forces during crackdowns. They typically involve large scale arrests, detention for several days or weeks, ill-treatment and sometimes torture, and release on conditions of future compliant behavior. Conditions of release vary, including the requirement to regularly report to police stations to limit movement, suspension from school, or prohibition on attending protests. There is no due process or formal record of these detentions. The goal is to punish and “rehabilitate” offenders in a short period of time. Rehabilitation has occurred regularly since November 2015, particularly in Oromia.*

*Torture continues to be a serious problem in Ethiopia, particularly in military camps. Human Rights Watch has documented torture in detention throughout the protests and more broadly. Many individuals detained during the protests never appeared in court, but those that have and have reported torture or mistreatment have not had their complaints adequately addressed by the judiciary. » Human Rights Watch (HRW); Legal Analysis of Ethiopia’s State of Emergency, 30 octobre 2016: [www.hrw.org/news/2016/10/31/legal-analysis-ethiopias-state-emergency](http://www.hrw.org/news/2016/10/31/legal-analysis-ethiopias-state-emergency).*

Reuters, 15 février 2022 :

***« Ethiopia's parliament on Tuesday voted for an early end to a six-month state of emergency, effective immediately, adding to signs that a bloody conflict between the government and rebellious Tigrayan forces could be easing.***

*The war in Africa's second-largest nation has largely ground to a stalemate, and diplomats helping to mediate between the two sides are cautiously optimistic that progress towards peace is being made.*

***The state of emergency gave the government power to detain citizens without charge and search homes without a warrant. Thousands of Tigrayan civilians were rounded up and held in prisons and warehouses.***

*Ethiopia imposed the order in November after Tigrayan forces invaded two other regions, threatening the capital.*

*But a government offensive in December pushed the Tigrayans back, although fighting continues in the region of Afar, and Tigray - where millions depend on food aid - remains cut off with no food arriving since mid-December.*

***Parliament's decision to lift the state of emergency came three weeks after cabinet approval.***

*The move was welcomed by the U.S. State Department as an "important step". It called for the immediate release of all those arrested or detained without charge under the state of emergency.*

*The vote was not a rubber stamp, underscoring political divisions that Prime Minister Abiy Ahmed must manage. Of 312 lawmakers voting, 63 opposed the motion, while 21 abstained.*

*Tesfaye Beljige, chief government whip, told lawmakers the state of emergency was "causing more damage than its benefits", saying the law was restricting tourism and economic activities.*

*But Desalegn Chanie, of the opposition National Movement of Amhara party, who voted against, said lifting it now "in order to please the diplomatic community without ensuring the safety of fellow citizens" was premature.*

#### **RIGHTS CONCERNS**

***Ethiopia's state-appointed rights commission said some human rights were not being upheld after the order was imposed.***

***Thousands of ethnic Tigrayans were detained, including very elderly people, nursing mothers and children, the commission said. Police denied targeting any ethnic group, saying they targeted suspected supporters of the Tigray People's Liberation Front (TPLF) political party.***

*The TPLF dominated Ethiopian politics before Abiy came to power in 2018. Afterwards, relations between the two sides nosedived, and war erupted in November 2020.*

***Normally, Ethiopian law demands prisoners are either charged or released. Attorney General Gedion Temothewos and his spokesman did not immediately respond to requests for comment.***

***But Lemma Tesema, chairman of the state of emergency inquiry board, told lawmakers on Tuesday that those who were detained under the state of emergency "will be treated by the regular legal system".***

*The United Nations has said it believes international mediators are making progress.*

*"Talks continue and there is certainly less hostility than there was a few months ago. We are in a much better place," Amina Mohammed, the U.N. deputy secretary-general, said last week*

after visiting Ethiopia. » Source: Reuters, Ethiopia's parliament lifts state of emergency early, 15 février 2022: [www.reuters.com/world/africa/ethiopias-parliament-lifts-state-emergency-early-2022-02-15/](http://www.reuters.com/world/africa/ethiopias-parliament-lifts-state-emergency-early-2022-02-15/).

VOA, 23 décembre 2016 :

« *Ethiopia has released thousands of protesters who were detained during the ongoing state of emergency.*

*People detained in Awash, Alage, Bir Sheleko and Tolay centers will be allowed to return home after receiving "training," according to the state-owned Fana Broadcasting Network. This includes 4,035 people released from a center in the Tolay region of southwest Ethiopia. These prison locations are unofficial centers mostly located at military camps.*

*Earlier this week, Ethiopian officials announced that 9,800 people arrested during the state of emergency would be released and 2,449 others would be arraigned in court. »*

Source: Voice of America (VOA), Ethiopia releases thousands arrested since start of state of emergency, 23 décembre 2016: <https://reliefweb.int/report/ethiopia/ethiopia-releases-thousands-arrested-start-state-emergency>

En tant que principale organisation d'aide aux personnes réfugiées en Suisse et faïtière des œuvres d'entraide et des organisations actives dans les domaines de l'exil et de l'asile, l'Organisation suisse d'aide aux réfugiés (OSAR) s'engage pour une Suisse qui accueille les personnes réfugiées, les protège efficacement, respecte leurs droits fondamentaux et humains, favorise leur participation dans la société et les traite avec respect et ouverture. Dans sa fonction, l'OSAR renforce et défend les intérêts et les droits des personnes bénéficiant d'une protection et favorise la compréhension de leurs conditions de vie. Grâce à son expertise avérée, elle marque le discours public et exerce une influence sur les conditions sociales et politiques.

D'autres publications de l'OSAR sont disponibles sur le site [www.osar.ch/publications](http://www.osar.ch/publications). La newsletter de l'OSAR, qui paraît régulièrement, vous informe des nouvelles publications. Inscription à l'adresse [www.osar.ch/newsletter](http://www.osar.ch/newsletter).